

REMARKS

The Office Action dated February 17, 2006, has been received and carefully considered. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

I. THE ELECTION/RESTRICTION REQUIREMENT

On page 2 of the Office Action, the Examiner indicates that the election/restriction requirement as set forth in the Office Action dated June 15, 2005, has been made final. However, it appears that the Examiner has misinterpreted the Applicants grounds for traversal. That is, the Examiner indicates that Applicants traversed the election/restriction requirement on the grounds that the inventions are not distinct. However, as clearly set forth in the response to the election/restriction requirement filed July 14, 2005, Applicants traverse the election/restriction requirement on the grounds that the inventions are not independent.

Specifically, under 35 U.S.C. § 121, restriction is appropriate if two or more independent and distinct inventions are claimed in one application. As set forth in MPEP § 802.01, inventions are independent if there is no disclosed relationship between the two or more subjects disclosed, and inventions are

distinct if two or more subjects as disclosed are capable of separate manufacture, use, or sale as claimed.

On page 2 of the Office Action dated June 15, 2005, the Examiner attempts to explain how claims 1-12 are distinct from claims 13-22. However, the Examiner fails to explain how claims 1-12 are independent from claims 13-22. That is, both independent claims 1 and 13 are directed to a device for recognizing a condition of a belt buckle comprising a sensor. Thus, claims 1 and 13 are related and are not independent from each other. Accordingly, it is respectfully submitted that the election/restriction requirement is improper, and the withdrawal of such election/restriction requirement is respectfully requested.

II. THE OBVIOUSNESS REJECTION OF CLAIMS 1-7, 9, AND 10

On pages 3-4 of the Office Action, claims 1-7, 9, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Steffens, Jr. (U.S. Patent No. 6,025,783) in view of Teodorescu (U.S. Patent No. 5,986,549). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 103, the Patent Office bears the burden of establishing a prima facie case of obviousness. In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The

Patent Office can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of references. Id. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). That is, under 35 U.S.C. § 103, teachings of references can be combined only if there is some suggestion or motivation to do so. Id. However, the motivation cannot come from the applicant's invention itself. In re Oetiker, 977 F.2d 1443, 1447, 24 USPQ2d 1443, 1446 (Fed. Cir. 1992). Rather, there must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the art would make the combination. Id.

Regarding claim 1, the Examiner acknowledges that Steffens, Jr. fails to disclose a sensor that realizes a change in inductance based upon a position of an inductance-altering activating component without using a magnet, as claimed. However, the Examiner goes on to assert that Teodorescu discloses this claim limitation, and thus the claimed invention would have been obvious in view of Steffens, Jr. and Teodorescu.

Applicants agree with the Examiner's acknowledgement of the shortcomings of Steffens, Jr., but respectfully disagree with the Examiner's assertion regarding the combination of Steffens, Jr. and Teodorescu rendering claim 1 obvious. Furthermore, Applicants respectfully submit that Steffens, Jr. fails to disclose, or even suggest, a sensor that directly interrogates the condition of the seat belt buckle by realizing a change in inductance. Specifically, the Examiner alleges that Steffens, Jr. teaches a system comprising a sensor that interrogates the condition of the seat belt buckle by a change of inductance. However, this is not a correct interpretation of the teaching of Steffens, Jr.. In contrast, Steffens, Jr. discloses a sensor that is a combination of remote switch 28 and tag circuit 32. Based upon a detected condition, the remote switch 28 will take on a specific state (i.e., either state A or B of the remote switch 28). According to Steffens, Jr., the tag circuit 32 is operatively coupled to the remote switch 28 for detecting the state A or B of the remote switch 28 (see column 2, lines 42-43). Indeed, as is shown in Figure 1, the oscillation frequency of the tag circuit 32 is modified according to the state A or B of the remote switch 28. In state A, the remote switch 28 places an inductor 29 into the tag circuit 32, which shifts the frequency of the tag circuit according to its inductance (see

column 2, lines 46-50). Accordingly, Steffens, Jr. does not disclose, or even suggest, recognizing a locked condition of a seat belt buckle by realizing a change in inductance, but rather utilizes a change of inductance to modify the frequency of a transmitter signal based on the respective state of the remote switch 28.

Furthermore, Steffens, Jr. explicitly states that switch mechanism 128 may include a mechanical or field effective-device, such as a Hall effect device, a reed sensor, or a photoelectric sensor (see column 3, line 66 to column 4, line 4). Steffens, Jr. also explicitly states that it is the switch mechanism 128 which detects a buckled or on buckled condition. This most likely is done using conventional measures. In any event, Steffens, Jr. does not disclose, or even suggest, that this detection is based on a change of inductance.

Additionally, there would have been no motivation to combine the teachings of Steffens, Jr. and Teodorescu, and even if combined the combined teachings would not result in the claimed invention. Specifically, Teodorescu discloses an object sensing system employing a resonant sensor. Such a resonant sensor would not be appropriate for use in the system of Steffens, Jr., since Steffens, Jr. requires a mechanical or field effective-device to control the physical position of a

switch. Also, if such a resonant sensor were used in the system of Steffens, Jr., any change in inductance in the inductor of the Steffens, Jr. or the inductor of the Teodorescu system could interfere with the other.

In view of the foregoing, it is respectfully submitted that the combination of Steffens, Jr. and Teodorescu fails to disclose, or even suggest, the claimed limitations of claim 1. Accordingly, it is also respectfully submitted that claim 1 is allowable over the combination of Steffens, Jr. and Teodorescu.

Claims 2-7, 9, and 10 are dependent upon independent claim 1. Thus, since independent claim 1 should be allowable as discussed above, claims 2-7, 9, and 10 should also be allowable at least by virtue of their dependency on independent claim 1. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1-7, 9, and 10 be withdrawn.

III. THE OBVIOUSNESS REJECTION OF CLAIM 8

On pages 4-5 of the Office Action, claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Steffens,

Jr. (U.S. Patent No. 6,025,783) in view of Teodorescu (U.S. Patent No. 5,986,549) and in further view of Todd (U.S. Patent No. 5,907,892). This rejection is hereby respectfully traversed.

Claim 8 is dependent upon independent claim 1. Thus, since independent claim 1 should be allowable as discussed above, claim 8 should also be allowable at least by virtue of its dependency on independent claim 1. Moreover, claim 8 recites additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claim 8 be withdrawn.

IV. THE OBVIOUSNESS REJECTION OF CLAIM 11

On pages 5-6 of the Office Action, claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Todd (U.S. Patent No. 5,907,892) in view of Steffens, Jr. (U.S. Patent No. 6,025,783) and in further view of Teodorescu (U.S. Patent No. 5,986,549). This rejection is hereby respectfully traversed.

Regarding claim 11, the Examiner acknowledges that Todd and Steffens, Jr. fail to disclose a seat belt buckle having a sensor that realizes a change in inductance based upon a

position of an inductance-altering activating component without using a magnet, as claimed. However, the Examiner goes on to assert that Teodorescu discloses this claim limitation, and thus the claimed invention would have been obvious in view of Todd, Steffens, Jr., and Teodorescu.

Applicant agrees with the Examiner's acknowledgement of the shortcomings of Todd and Steffens, Jr., but respectfully disagrees with the Examiner's assertion regarding the combination of Todd, Steffens, Jr., and Teodorescu rendering claim 11 obvious for at least the reasons set for above with respect to claim 1. Moreover, claim 11 recites additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claim 11 be withdrawn.

V. THE OBVIOUSNESS REJECTION OF CLAIM 12

On page 6 of the Office Action, claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Todd (U.S. Patent No. 5,907,892) in view of Steffens, Jr. (U.S. Patent No. 6,025,783) in further view of Teodorescu (U.S. Patent No.

5,986,549) and in further view of Husby et al. (U.S. Patent No. 5,960,523). This rejection is hereby respectfully traversed.

Claim 12 is dependent upon independent claim 11. Thus, since independent claim 11 should be allowable as discussed above, claim 12 should also be allowable at least by virtue of its dependency on independent claim 11. Moreover, claim 12 recites additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claim 12 be withdrawn.

VI. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

U.S. Patent Application No.: 10/722,931
Attorney Docket No.: 64646.000002
Client Reference No.: CHE10640US

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

Hunton & Williams LLP

By: 

Thomas E. Anderson

Registration No. 37,063

TEA/vrp

Hunton & Williams LLP
1900 K Street, N.W.
Washington, D.C. 20006-1109
Telephone: (202) 955-1500
Facsimile: (202) 778-2201

Date: May 17, 2006